

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-10176-RCL
)
BRANDON DELGADO,)
 Defendant.)

**UNITED STATES' MOTION FOR
FINAL ORDER OF FORFEITURE**

The United States of America, by its attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves this Court for the issuance of a Final Order of Forfeiture in the above-captioned case pursuant to Title 21, United States Code, Section 853. A proposed Final Order of Forfeiture is submitted herewith. In support thereof, the United States sets forth the following:

1. On November 2, 2005, a federal grand jury sitting in the District of Massachusetts returned a nine-count Superseding Indictment charging Defendant Brandon Delgado (the "Defendant"), with the following violations: Possession with Intent to Distribute and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) (Counts One through Seven); Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1) (Count Eight); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A) (Count Nine).

2. The Superseding Indictment sought the forfeiture, as a result of committing one or more of the offenses alleged in Counts One through Nine of the Superseding Indictment, of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, pursuant to 21 U.S.C. § 853. The property to be forfeited includes, but is not limited to, the following:

\$5,000 in United States Currency seized on May 26, 2005, from 193 Cottage Street, New Bedford, MA (the "Currency").

3. On June 8, 2006, the Defendant pled guilty to Counts One through Nine of the Superseding Indictment, pursuant to a plea agreement in which he agreed to forfeit any and all of his interest in the Currency.

4. On November 13, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Currency. See Docket No 45.

5. Notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on December 15, 2006, December 22, 2006, and December 29, 2006.

6. No claims of interest in the Currency have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on January 28, 2007.

WHEREFORE, the United States respectfully moves that this Court enter a Final Order of Forfeiture against the Currency in the form submitted herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney,

/s/ Kristina E. Barclay
TIMOTHY Q. FEELEY
KRISTINA E. BARCLAY
Assistant U.S. Attorneys
United States Courthouse
Suite 9200
1 Courthouse Way
Boston, MA 02210
(617) 748-3100

Date: February 14, 2007

CERTIFICATE OF SERVICE

I, Kristina E. Barclay, Assistant U.S. Attorney, hereby certify that the foregoing was filed through the Electronic Court Filing system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Kristina E. Barclay
Kristina E. Barclay
Assistant U.S. Attorney

Dated: February 14, 2007

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 05-10176-RCL
)
BRANDON DELGADO,)
 Defendant.)

FINAL ORDER OF FORFEITURE

LINDSAY, D.J.

WHEREAS, on November 2, 2005, a federal grand jury sitting in the District of Massachusetts returned a nine-count Superseding Indictment charging Defendant Brandon Delgado (the "Defendant"), with the following violations: Possession with Intent to Distribute and Distribution of Cocaine Base, in violation of 21 U.S.C. § 841(a)(1) (Counts One through Seven); Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. § 841(a)(1) (Count Eight); and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A) (Count Nine);

WHEREAS, the Superseding Indictment sought the forfeiture, as a result of committing one or more of the offenses alleged in Counts One through Nine of the Superseding Indictment, of any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations, pursuant to 21 U.S.C. § 853, including, but

not limited to the following:

\$5,000 in United States Currency seized on May 26, 2005, from 193 Cottage Street, New Bedford, MA (the "Currency");

WHEREAS, on June 8, 2006, the Defendant pled guilty to Counts One through Nine of the Superseding Indictment, pursuant to a plea agreement in which he agreed to forfeit any and all of his interest in the Currency;

WHEREAS, on November 13, 2006, this Court issued a Preliminary Order of Forfeiture, forfeiting the Defendant's interest in the Currency;

WHEREAS, notice of the Preliminary Order of Forfeiture was sent to all interested parties, and published in the Boston Herald on December 15, 2006, December 22, 2006, and December 29, 2006; and

WHEREAS, no claims of interest in the Currency have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on January 28, 2007.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for Final Order of Forfeiture is allowed.

2. The United States of America is now entitled to the forfeiture of all right, title, or interest in the Currency, and the Currency is hereby forfeited to the United States of America pursuant to the provisions of 21 U.S.C. § 853.

3. Any parties having any right, title or interest in the Currency are hereby held in default.

4. The United States is hereby authorized to dispose of the Currency in accordance with applicable law.

5. This Court shall retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Rule 32.2(c) of the Federal Rules of Criminal Procedure.

DONE AND ORDERED in Boston, Massachusetts, this ____ day of _____, 2007.

REGINALD C. LINDSAY
United States District Judge